

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

EMSAT ADVANCED GEO-LOCATION)	CASE NO. 4:08-CV-00822
TECHNOLOGY, LLC AND LOCATION)	
BASED SERVICES LLC,)	JUDGE JOHN R. ADAMS
)	
Plaintiffs,)	
)	<u>PLAINTIFFS' ANSWER TO AT&T</u>
v.)	<u>MOBILITY LLC'S</u>
)	<u>COUNTERCLAIMS</u>
AT&T MOBILITY LLC f/k/a)	
CINGULAR WIRELESS LLC,)	
)	
Defendant.)	

Plaintiffs Emsat Advanced Geo-Location Technology, LLC ("Emsat") and Location Based Services, LLC ("LBS"), by their attorneys, answer Defendant AT&T Mobility LLC's ("AT&T") Counterclaims as follows:

COUNTERCLAIMS

THE PARTIES

1. Paragraph 1 does not require a response from Plaintiffs. To the extent that Paragraph 1 is deemed to require a response, Plaintiffs are without knowledge or information sufficient to form a belief regarding the allegations contained in Paragraph 1 of the Counterclaims, and on that basis deny those allegations.

2. Plaintiffs admit the allegations contained in Paragraph 2 of the Counterclaims.

3. Plaintiffs admit the allegations contained in Paragraph 3 of the Counterclaims.

JURISDICTION AND VENUE

4. Plaintiffs admit the allegations contained in Paragraph 4 of the Counterclaims.
5. Plaintiffs admit the allegations contained in Paragraph 5 of the Counterclaims.
6. Plaintiffs admit that the minimum requisites for venue under 35 U.S.C. § 1391 exist in this judicial district but deny the remaining allegations contained in Paragraph 6 of the Counterclaims.

COUNT I
(Declaratory Judgment of Non-Infringement)

7. Plaintiffs incorporate by reference their responses to Paragraphs 1-6 of the Counterclaims.
8. Plaintiffs admit the allegations contained in Paragraph 8 of the Counterclaims.
9. Plaintiffs deny the allegations contained in Paragraph 9 of the Counterclaims.
10. Plaintiffs deny the allegations contained in Paragraph 10 of the Counterclaims.
11. Plaintiffs deny the allegations contained in Paragraph 11 of the Counterclaims.
12. Plaintiffs admit the allegations contained in Paragraph 12 of the Counterclaims.
13. Plaintiffs deny the allegations contained in Paragraph 13 of the Counterclaims.
14. Plaintiffs deny the allegations contained in Paragraph 14 of the Counterclaims.

COUNT II
(Declaratory Judgment of Invalidity)

15. Plaintiffs incorporate by reference their responses to Paragraphs 1-14 of the Counterclaims.
16. Plaintiffs admit the allegations contained in Paragraph 16 of the Counterclaims.
17. Plaintiffs deny the allegations contained in Paragraph 17 of the Counterclaims.

18. Plaintiffs admit the allegations contained in Paragraph 18 of the Counterclaims.
19. Plaintiffs deny the allegations contained in Paragraph 19 of the Counterclaims.
20. Plaintiffs deny the allegations contained in Paragraph 20 of the Counterclaims.

AFFIRMATIVE DEFENSES

21. The Counterclaims fail to state a claim upon which relief can be granted.

WHEREFORE, Plaintiffs Emsat and LBS respectfully request judgment in their favor and an award of the following relief:

- a. Enter judgment in favor of Emsat and LBS for the relief requested in their Complaint;
- b. Enter judgment dismissing the Counterclaims of AT&T;
- c. Award Plaintiffs their reasonable attorneys' fees, costs, and expenses; and
- d. Award Plaintiffs such other and further legal and equitable relief as the Court deems appropriate.

Respectfully submitted,

/s/ R. Eric Gaum
Michael J. Garvin (0025394)
R. Eric Gaum (0066573)
Robert J. Diaz (0077232)

HAHN LOESER & PARKS LLP
200 Public Square, Suite 2800
Cleveland, Ohio 44114-2301
Tel: 216-621-0150
Fax: 216-241-2824

Attorneys for Plaintiffs Emsat Advanced Geo-
Location Technology, LLC and Location Based
Services LLC

CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2008, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ R. Eric Gaum
One of the Attorneys for Plaintiffs
Emsat Advanced Geo-Location Technology,
LLC and Location Based Services LLC